

BOA GENERAL REVIEW COVERSHEET

CASE: C15-2020-0080

BOA DATE: December 14th, 2020

ADDRESS: 2111 Wilson St

COUNCIL DISTRICT: 9

OWNER: Paul Bielamowicz

AGENT: N/A

ZONING: SF-3-NP (Bouldin Creek)

LEGAL DESCRIPTION: N46.14X115FT BLK 2 DOUGHTY SUBD

VARIANCE REQUEST: reduce interior side yard setback from 5 ft. to 2 ft. and rear setback from 10 ft. to 0.1 ft.

SUMMARY: remodel detached garage

ISSUES: heritage oak tree

	ZONING	LAND USES
<i>Site</i>	SF-3-NP	Single-Family
<i>North</i>	MF-3-NP	Multi-Family
<i>South</i>	SF-3-NP	Single-Family
<i>East</i>	SF-3-NP	Single-Family
<i>West</i>	SF-3-NP	Single-Family

NEIGHBORHOOD ORGANIZATIONS:

Austin Independent School District

Austin Lost and Found Pets

Austin Neighborhoods Council

Bike Austin

Bouldin Creek Neighborhood Association

Bouldin Creek Neighborhood Planning Team

Friends of Austin Neighborhoods

Homeless Neighborhood Association

Neighborhood Empowerment Foundation

Preservation Austin

SEL Texas

Sierra Club, Austin Regional Group

South Central Coalition

D-3/2



SUBJECT TRACT



PENDING CASE



ZONING BOUNDARY

NOTIFICATIONS

CASE#: C15-2020-0080
LOCATION: 2111 WILSON STREET



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

1" = 157'



Board of Adjustment General/Parking Variance Application

DevelopmentATX.com | Phone: 311 (or 512-974-2000 outside Austin)
For submittal and fee information, see austintexas.gov/digitaldevelopment

WARNING: Filing of this appeal stops all affected construction activity.

This application is a fillable PDF that can be completed electronically. To ensure your information is saved, [click here to Save](#) the form to your computer, then open your copy and continue.

The Tab key may be used to navigate to each field; Shift + Tab moves to the previous field. The Enter key activates links, emails, and buttons. Use the Up & Down Arrow keys to scroll through drop-down lists and check boxes, and hit Enter to make a selection.

The application must be complete and accurate prior to submittal. ***If more space is required, please complete Section 6 as needed.*** All information is required (if applicable).

For Office Use Only

Case # _____ ROW # _____ Tax # _____

Section 1: Applicant Statement

Street Address: 2111 Wilson Street, Austin, TX 78704

Subdivision Legal Description:

N46.14X115FT BLK 2 DOUGHTY SUBD; 0.122 acre of Block 2, of Doughty's Subdivision, in deed recorded in Document #2008157888 of the Travis County Deed Records on Sep 22, 2008

Lot(s): _____ Block(s): _____

Outlot: _____ Division: _____

Zoning District: SF-3 NP, Bouldin Creek

I/We Paul Bielamowicz on behalf of myself/ourselves as authorized agent for Paul Bielamowicz (myself) affirm that on Month November, Day 4, Year 2020, hereby apply for a hearing before the Board of Adjustment for consideration to (select appropriate option below):

☐ Erect ☐ Attach ☐ Complete ☐ Remodel ☐ Maintain ☐ Other: _____

Type of Structure: Wood framed, single story detached garage / accessory structure.

Portion of the City of Austin Land Development Code applicant is seeking a variance from:

I am requesting a variance from Land Development Code section 25-2-492 Site Development Regulations, for an accessory structure on an SF-3-NP residential property to allow a Rear Yard setback (10ft required, 5ft for accessory structures) to be 0.1ft (requested) as well as a Side Yard setback (5 ft required) to be 2ft (requested).

Section 2: Variance Findings

The Board must determine the existence of, sufficiency of, and weight of evidence supporting the findings described below. Therefore, you must complete each of the applicable Findings Statements as part of your application. Failure to do so may result in your application being rejected as incomplete. Please attach any additional supporting documents.

NOTE: The Board cannot grant a variance that would provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.

I contend that my entitlement to the requested variance is based on the following findings:

Reasonable Use

The zoning regulations applicable to the property do not allow for a reasonable use because:

LDC 25-2-893 allows for vehicle storage, and similarly zoned properties (SF-3-NP) with similar sized lots are allowed to have a garage. There is a heritage oak tree (>24") on this property, and per LDC 25-8 Subchapter B protecting the critical root zone of the tree, the existing noncompliant garage on this property cannot be reasonably relocated outside of the 5' zoning setback for an accessory structure. If the entire encroaching portion of the garage was removed, the remaining structure (~12') would not be deep enough to reasonably store a vehicle. Allowing the existing structure to remain in the setback does not provide a special privilege, but provides equal opportunity for vehicle storage that other properties enjoy.

Hardship

a) The hardship for which the variance is requested is unique to the property in that:

The garage cannot be relocated out of the setback as there is a heritage oak tree (>24") that constitutes a hardship restricting construction in the area outside of the setback. Constructing a new foundation out of the setback would disturb the 1/2 critical root zone of the heritage tree, which is not allowed per City codes and administrative rules under LDC 25-8, Subchapter B.

b) The hardship is not general to the area in which the property is located because:

A similar sized property that does not have a heritage oak tree in this location would not have this hardship, and could reasonably construct a new garage structure outside of the setbacks. The heritage oak tree on this property, in it's location relative to the existing garage and driveway, is a unique hardship to this property.

Area Character

The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:

The proposed renovations do not increase the size or height of the structure, and do not change the use of the structure. The proposed exterior materials are lap siding, to match the craftsman style house, which is consistent with the bungalow/craftsman look of the homes on the street. Keeping the structure in it's existing location, on the existing foundation, has the least impact to the heritage oak tree which is an asset to the neighborhood, and provides shade for neighboring properties as well.

Parking (additional criteria for parking variances only)

Request for a parking variance requires the Board to make additional findings. The Board may grant a variance to a regulation prescribed in the City of Austin Land Development Code Chapter 25-6, Appendix A with respect to the number of off-street parking spaces or loading facilities required if it makes findings of fact that the following additional circumstances also apply:

1. Neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonably require strict or literal interpretation and enforcement of the specific regulation because:

This application is only requesting variance under section 25-2-963 - Modification and Maintenance of Non-Complying Structures, and is not seeking a parking variance under chapter 25-6.

2. The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because:
3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:
4. The variance will run with the use or uses to which it pertains and shall not run with the site because:

Section 3: Applicant Certificate

I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Applicant Signature:  Date: 11/04/2020

Applicant Name (typed or printed): Paul Bielamowicz

Applicant Mailing Address: 2111 Wilson Street

City: Austin State: TX Zip: 78704

Phone (will be public information): (512) 484-3990

Email (optional – will be public information): 

Section 4: Owner Certificate

I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Owner Signature:  Date: 11/04/2020

Owner Name (typed or printed): Paul Bielamowicz

Owner Mailing Address: 2111 Wilson Street

City: Austin State: TX Zip: 78704

Phone (will be public information): (512) 484-3990

Email (optional – will be public information): 

Section 5: Agent Information

Agent Name: _____

Agent Mailing Address: _____

City: _____ State: _____ Zip: _____

Phone (will be public information): _____

Email (optional – will be public information): _____

Section 6: Additional Space (if applicable)

Please use the space below to provide additional information as needed. To ensure the information is referenced to the proper item, include the Section and Field names as well (continued on next page).

The existing structure dates back to the 1930's (see Exhibit A Survey and Exhibit B Photos). The goals of my project are to repair the exterior to keep critters & weather out, improve the appearance, upgrade power for an electric car charger, and move the back wall off of my neighbor's property. There are unique circumstances given the property boundary issue, the existing nonconforming condition at the rear & side setbacks, and the adjacent heritage oak tree.

Additional Space (continued)

I met with CoA Residential Plan Review on Dec 6, 2019 to discuss these issues and plan a solution for my project. Attendees at that meeting included Will Clifton, Ricardo Leal, Jim Gobel and Emily Layton. The plan reviewers noted that in order for a permit to be issued, I would need to address the boundary issue. The existing East wall is 0.9' over the property line (see Exhibit A Survey). We discussed the option of building a new structure out of the setback, but it was noted in the meeting that I could not create a new foundation within the 1/2 critical root zone of the heritage tree, and the plan reviewers acknowledged that the heritage tree posed a unique hardship (see Exhibit C - Site Plan showing the tree location).

I then proposed to construct a new East wall 14" West of the prior wall location, to eliminate the boundary issue so that the entire structure would be completely on my property (see Exhibit D - Simplified Plan Sketch). Per the plan review meeting, the interpretation of LDC section 25-2-963-B.1.a was that I was still keeping more than 50% of the perimeter walls of the structure, as the other three walls would remain in their existing locations, and thus the structure could maintain its existing non-complying status, and the new East wall could be re-built within the setback. Calculations of these wall percentage were included with the permit application. Based on the interpretation noted above, I submitted plans and received a building permit: Permit #2020-113967 BP, issued on 10/8/2020. Attached are copies of both the permit (marked as Exhibit E) and the red-stamped approved plans (marked as Exhibit F). PreCon and Layout inspections were held on 10/12/2020, and my contractor started construction. The framing work has been mostly completed, and a new East wall is already framed 14" West of the prior East wall location, moving the structure off of my neighbor's property (see photos marked Exhibit G).

On Oct 26th, I received an e-mail from John Richards with Residential Plan Review (marked as Exhibit H) noting "it has been brought to my attention that this project should not have been approved due to section B4 of 25-2-963", and "a revision will need to be submitted and a variance requested for the structure to remain in the rear setback". Based on this e-mail, the permit was changed to inactive status, and construction has stopped. I had a follow-up conversation with John Richards and his supervisor Susan Barr on 10/28/2020, where they reiterated the need for the variance, but noted that they believed that the heritage tree poses a real hardship and presents a valid reason for a variance.

I am hereby requesting this variance to LDC section 25-2-963 Modification and Maintenance of Noncomplying Structures, as documented in this Variance Application.

EXHIBIT

"A"

**Property Survey from 8/19/2008
(when property was purchased)
Showing the existing Garage (Wood Shed)
relative to property boundaries**

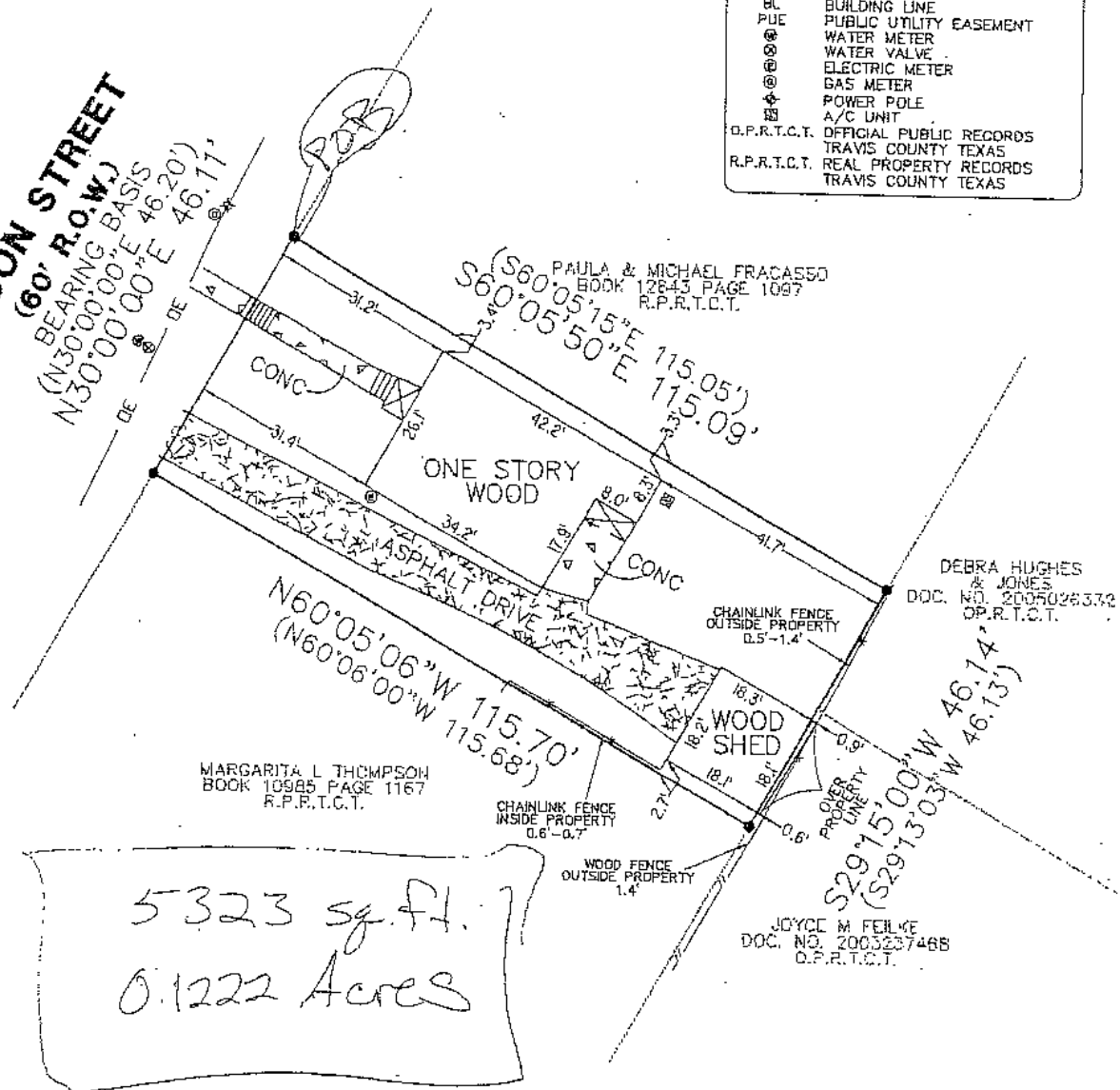
AS-BUILT SURVEY

D-3/9
ATS 0808107

Reference: TBO Address: 2111 Wilson Street, Austin, TX
A Tract of Land, Document No. 2001005497, Official Public Records of Williamson County, Texas.

LEGEND	
●	3" IRON ROD FOUND
○	2" IRON ROD W/ 'ATS' CAP SET
()	RECORD INFORMATION
BL	BUILDING LINE
PUE	PUBLIC UTILITY EASEMENT
⊗	WATER METER
⊗	WATER VALVE
⊗	ELECTRIC METER
⊗	GAS METER
⊗	POWER POLE
⊗	A/C UNIT
O.P.R.T.C.T.	OFFICIAL PUBLIC RECORDS
	TRAVIS COUNTY TEXAS
R.P.R.T.C.T.	REAL PROPERTY RECORDS
	TRAVIS COUNTY TEXAS

WILSON STREET
(60' R.O.W.)
BEARING BASIS
(N30°00'00"E 46.20')
(N30°00'00"E 46.11')



5323 sq. ft.
0.1222 Acres

Notes:

1) All easements, of which I have knowledge and those recorded easements furnished by Lawyers Title Insurance Corporation and Land America Austin Title Company according to Title Commitment GF No. 2449000598, DO AFFECT the subject property. Other than visible easements, no unrecorded or unwritten easements are shown hereon.

I, Paul Utterback, HEREBY CERTIFY that a survey was made on the ground of the property shown hereon; that there are no visible discrepancies, conflicts, shortages in area, boundary line conflicts, encroachments, overlapping of improvements, easements or right-of-way, except as shown; that said property has access to and from a public roadway; and that this plat is an accurate representation of the property to the best of my knowledge.



SCALE: 1"=20'



Paul Utterback, RPLS No. 5738
Client: Land America Austin Title-Cap Tx
Date of Field Work: 08/13/2008
Field: AHarp
Tech: JDeLong
Date Drawn: 08/19/2008
Path: Projects/LandAmerica-AustinTitle/WilsonSt2111/dwgs/TITLE_0808107.dwg

ATS Engineers
Inspectors
& Surveyors
www.ats-engineers.com
4011 DEER CREEK ROAD, STE 200
AUSTIN, TEXAS 78746
(512) 326-2600
FAX: (512) 326-6980

EXHIBIT "B"

**Photos of existing garage, and
relationship to existing Heritage Oak Tree
and Pecan Tree.**

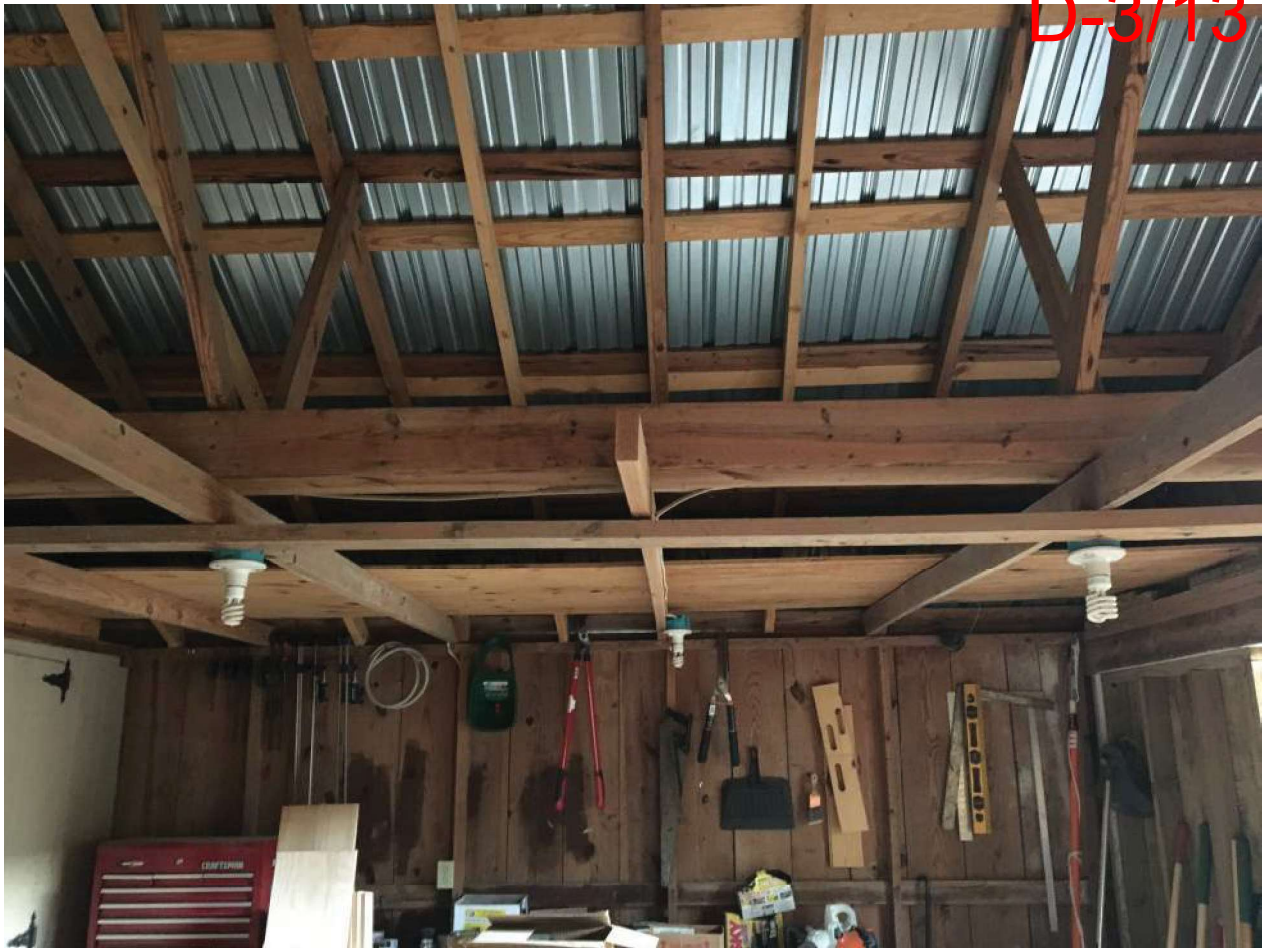
D-3/11



Photos of Garage and Relationship to Trees



Photos of Garage and Relationship to Trees



Prior photos of interior of existing garage

EXHIBIT "C"

Site Plan of the property, showing locations of the 24" Heritage Oak Tree, and 12" Pecan Tree, posing a hardship from relocating the garage.

ZONING INFORMATION

ZONING USE DESIGNATION:	SF-3 NP	NOTES ON EXISTING NON-CONFORMANCE:
MIN. LOT SIZE:	5,750 SF	- LOT IS AN EXISTING NON-CONFORMING LOT, (WIDTH <50') PLATTED PRIOR TO 1946.
MIN. LOT WIDTH:	50'	- HOUSE IS AN EXISTING NON-CONFORMING STRUCTURE (SIDE-YARD SETBACK), BUILT IN 1930. THE HOUSE IS NOT PART OF THIS PROJECT.
MAX. HEIGHT:	35'	- GARAGE IS AN EXISTING NON-CONFORMING STRUCTURE (SIDE YARD AND REAR SETBACKS), BUILT IN 1930.
MINIMUM SETBACKS:		
FRONT YARD:	25'	
STREET SIDE YARD:	15'	
INTERIOR SIDE YARD:	5'	
REAR YARD:	10'	
- ACCESSORY STRUCTURES	5'	
MAXIMUM BUILDING COVERAGE:	40 %	
MAXIMUM IMPERVIOUS COVER:	45 %	

SITE AREAS

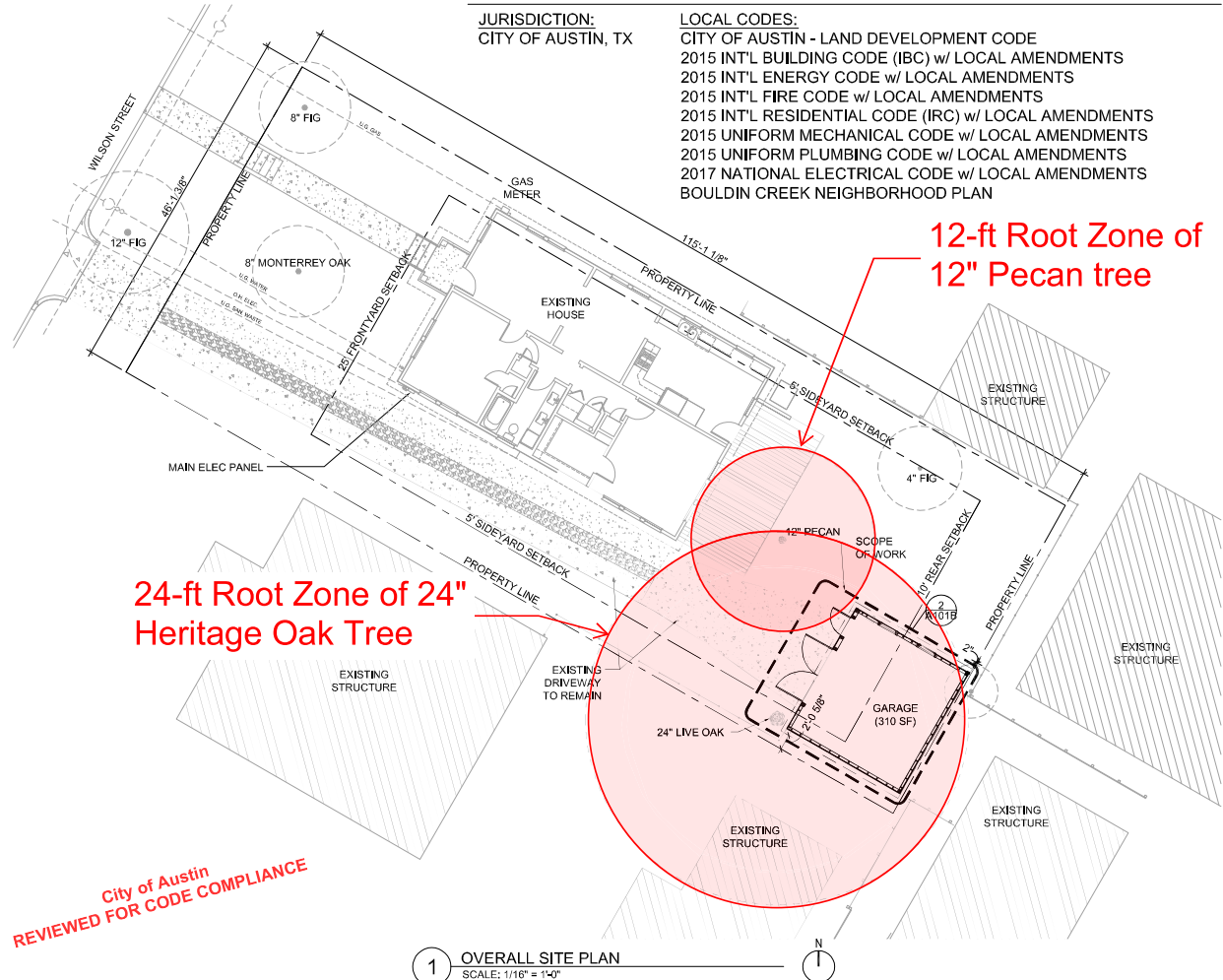
TOTAL SITE AREA:	5,323 SF	IMPERVIOUS COVER	
STRUCTURES		HOUSE	1,092 SF
EXISTING HOUSE:	1,092 SF	GARAGE	310 SF
GARAGE:	310 SF	FRONT PORCH	26 SF
PORCH:	26 SF	DRIVEWAY	705 SF
		BACK DECK (@50%)	106 SF
		FRONT WALKWAY	136 SF
		A/C PAD	8 SF
ALLOWED BLDG COVERAGE:	40%	IMPERVIOUS AREA	2,383 SF
BUILDING COVERAGE:	26.8%	ALLOWED IMPERVIOUS %:	45%
NOTES:		ACTUAL IMPERVIOUS %:	44.8%
- DECK IS COUNTED AT 50% PERVIOUS			



2 LOCATION PLAN
NOT TO SCALE

REGULATORY INFORMATION

JURISDICTION:	LOCAL CODES:
CITY OF AUSTIN, TX	CITY OF AUSTIN - LAND DEVELOPMENT CODE
	2015 INT'L BUILDING CODE (IBC) w/ LOCAL AMENDMENTS
	2015 INT'L ENERGY CODE w/ LOCAL AMENDMENTS
	2015 INT'L FIRE CODE w/ LOCAL AMENDMENTS
	2015 INT'L RESIDENTIAL CODE (IRC) w/ LOCAL AMENDMENTS
	2015 UNIFORM MECHANICAL CODE w/ LOCAL AMENDMENTS
	2015 UNIFORM PLUMBING CODE w/ LOCAL AMENDMENTS
	2017 NATIONAL ELECTRICAL CODE w/ LOCAL AMENDMENTS
	BOULDIN CREEK NEIGHBORHOOD PLAN



ORIG. ISSUE DATE: 2020-06-19
SCALE: 1/16" = 1'-0"
DRAWN BY: PAB
FILE NAME: 2018-01-A001.dwg

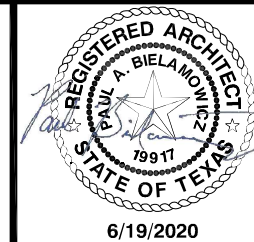
PAUL BIELAMOWICZ, AIA, LEED AP
2111 Wilson Street
Austin, Texas 78704
(512) 484-3990

REVISION HISTORY

REV.	DESCRIPTION	DATE

GARAGE RENOVATION

Bielamowicz Residence
2111 Wilson Street
Austin, Texas 78704



PLOT PLAN AND CODE INFORMATION

A-001

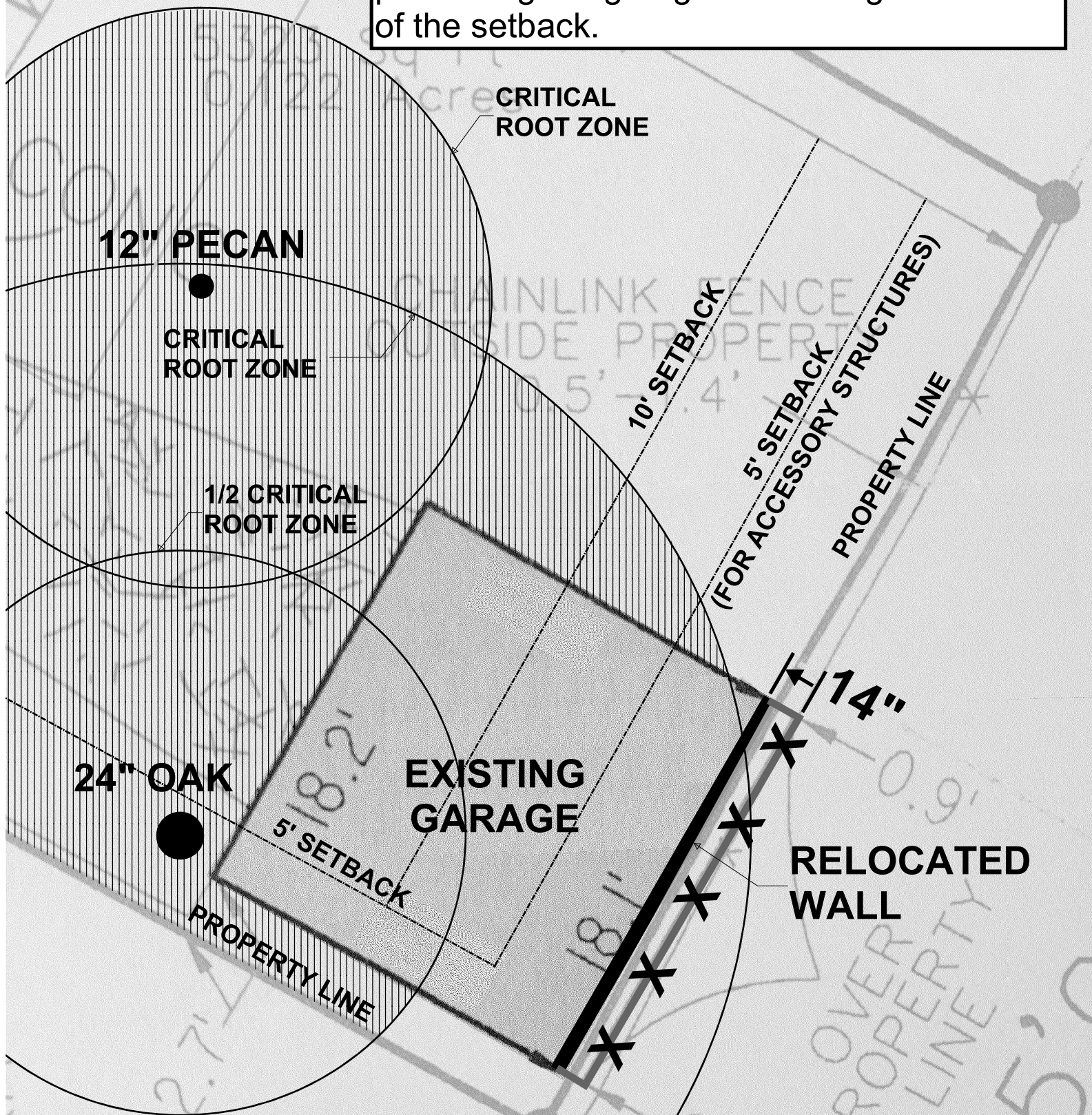
EXHIBIT "D"

**Simplified Illustration of Proposed
Modification to Garage Structure
due to Hardship from Heritage Oak Tree
and Pecan Tree**

Hardship:

D-3/17

The critical root zones of the Heritage Oak Tree and Pecan Tree pose a hardship, preventing the garage from being moved out of the setback.



Proposal:

Move the East wall to the West by 14", to get the structure off of the property line, while leaving enough structure in the setback to park a car in the garage.

EXHIBIT "E"

**Building Permit 2020-113967 BP
Issued 10/8/2020**